THE HON'BLE SRI JUSTICE A.GOPAL REDDY

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WRIT PETITION No.1027 of 1995

DATED: 02-03-2006

Between:

Syed Khader Vali . . .Petitioner

And

State Transport Appellate Tribunal, Hyd,

and others . . .Respondents

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.1027 of 1995

O R D E R:

The petitioner, who is a transporter, submitted an application for grant of a stage carriage permit on the town service route, Chilakaluripet (Purushothampatnam Cross) to Boppudi Via Anajaneya Swamy Temple, in the year 1992. As no orders were passed, he applied for issuance of a temporary permit on the same route, which was not considered. Questioning the same, he filed WP.No.15015 of 1992 and this Court by an order, dated
20-11-1992 disposed of the writ petition directing the respondents to consider his claim for grant of temporary permit. Accordingly, he was granted temporary permit for a period of four months i.e. from 11-12-1992 to 10-04-1993. In the meantime, the Regional Transport Authority in its meeting held on 16-01-1993, after taking note of the claim of the APSRTC that grant of permit comes in the way as per G.O.Ms.No.8, dated 02-01-1975, in respect of the notified route Narasaraopet to Kommalapadu and that the distance of overlapping is 2.5 kms from Purushottampatnam cross road, Chilakaluripeta to Boppudi and that the route applied for is a short route and it is uneconomical and as there is a likelihood of misusing services on the notified routes of APSRTC, rejected the claim of the petitioner for grant of pucca stage carriage permit on the route he applied. Aggrieved by the same, the petitioner carried the matter in appeal.

The appellate authority after considering the report of the Motor Vehicle

Inspector that total distance of the route is 5.9 kms and the entire route is overlapping, and also the objections raised by APSRTC that under the approved scheme in G.O.Ms.No.385, dated 22-12-1981, which modified the earlier scheme in G.O.Ms.No.8, dated 02-01-1975, overlapping distance from Purushothampatnam cross road to Boppudi cross road is 2.5 kms, found that the said approved scheme exempted only the holders of stage carriage permits in respect of the route Chilakaluripet to Uppumagulur via Boppudi junction and with regard to others, there is complete prohibition, and accordingly, dismissed the appeal. The same is the subject matter of challenge in the present writ petition.

Learned counsel for the petitioner would submit that once G.O.Ms.No.385 exempts the holders of stage carriage permit in respect of the route Chilakaluripet to Uppumagulur via Boppudi junction, the route applied by the petitioner falls within Chilakaluripeta to Uppumagulur and therefore, the route from Boppudi junction to Uppumagulur, where it takes a turn, does not prohibit for grant of stage carriage permit to him. The lower Tribunal has not taken into consideration the said exemption, which resulted in miscarriage of justice.

Refuting the above, the learned standing counsel for APSRTC submits that what is exempted under G.O.Ms.No.385 is only the holders of stage carriage permit in respect of the route Chilakaluripeta to Uppumagulur, but not any other route in between the said route terminus. He also relied upon the definition of ‘route’ as defined under the Motor Vehicles Act, 1988, and the same is as follows:

> “a line of travel, which specifies the highway which may be traversed by a motor vehicle between one terminus and another.”

Admittedly, the petitioner is not a holder of the stage carriage permit from Chilakaluripet to Uppumagulur via Boppudi junction. But, he applied for stage carriage permit from Chilakaluripet to Boppudi via Anjaneyaswamy temple. As per the Motor Vehicle Inspector’s Report, out of the said route, 3.2 kms is overlapping out of the town limits, and in all, 3.9 kms is overlapping the route notified in G.O.Ms.No.8 as modified in G.O.Ms.No.385.

It is well settled that the prohibition contained in the earlier notified route will

not be wiped out under the later scheme. Since there is a total prohibition of the notified route except the holders of stage carriage permit in respect of the route Chilakaluripet to Uppumagulur via Boppudi, the interpretation put forwarded by the lower Tribunal does not suffer from any manifest illegality or infirmity warranting correction in exercise of certiorari jurisdiction.

The writ petition fails and is accordingly dismissed. There shall be no order as to costs.

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(A.GOPAL REDDY, J)

2nd MARCH, 2006.

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